

REMARKSClaims

Claims 1-7, 9, 11, and 50, are pending in the application.

Claim 1 is amended to specifically recite that an isolated nucleic acid molecule of the instant invention hybridizes under stringent conditions to a molecule consisting of the nucleic acid of SEQ ID NO:1 and codes for a polypeptide that binds the Epidermal Growth Factor Receptor and downregulates its expression (emphasis added). Support for this amendment can be found throughout the specification and at least on page 45, Example 4, and page 46, Example 6.

Rejection of Claims Under 35 U.S.C. §112, first paragraph

Claims 1-7, 9, 11, and 50 stand rejected under 35 U.S.C. §112, first paragraph. The Examiner maintains that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1, as amended herewith, specifically recites that the nucleic acids of the invention encode a "polypeptide that binds the Epidermal Growth Factor Receptor and downregulates its expression." Support for this amendment can be found throughout the application and at least on page 45, Example 4, and page 46, Example 6. More specifically, Example 4 describes the Applicants' observation that cbl-SL polypeptide binds the Epidermal Growth Factor Receptor (EGFR - a tyrosine kinase receptor), and Example 6 describes the Applicants' observation that cbl-SL facilitates the downregulation of EGFR (see also Figure 8).

It is Applicants' belief that Claim 1, as amended herewith, is fully enabled by the specification. Applicants note that even though Claim 1 as amended still encompasses a number of nucleic acid molecules, these molecules must encode for a polypeptide that binds the Epidermal Growth Factor Receptor and downregulates its expression. It is Applicants' belief that the number of polypeptides encoded by the nucleic acid molecules of Claim 1 that bind the Epidermal Growth Factor Receptor and downregulate its expression is a finite number. It is Applicants' belief that Claim 1, as amended herewith, renders the previous rejections under 35 U.S.C. §112, first paragraph, moot.

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In view of the foregoing amendments and arguments, and for the reasons on record, Applicants respectfully request that the foregoing rejections of claims under 35 U.S.C. §112, first paragraph, be withdrawn.

SUMMARY

Applicants believe that each of the pending claims is in condition for allowance. Applicants respectfully request that the Examiner telephone Helen Lockhart, Ph.D., Esq., in the event that the claims are not found to be in condition for allowance.

If the Examiner has any questions and believes that a telephone conference with Applicants' representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call Helen Lockhart, Ph.D., Esq., at (617) 720-3500 (Extension 259).

Respectfully submitted,

Konstantinos Andrikopoulos

Konstantinos Andrikopoulos, Reg. No. 48,915  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
*Attorneys for Applicants*

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MARKED-UP CLAIM

1 (Thrice Amended). An isolated nucleic acid molecule selected from the group consisting of:

- (a) a nucleic acid molecule which hybridizes at 65°C in hybridization buffer consisting essentially of 3.5 x SSC, 0.02% Ficoll, 0.02% polyvinyl pyrrolidone, 0.02% Bovine Serum Albumin, 2.5mM NaH<sub>2</sub>PO<sub>4</sub>(pH7), 0.5% SDS, 2mM EDTA, to a molecule consisting of the nucleic acid of SEQ ID NO:1 and which codes for a polypeptide that binds the Epidermal Growth Factor Receptor [a tyrosine kinase] and downregulates its expression,
- (b) nucleic acid molecules that differ from the nucleic acid molecules of (a) in codon sequence due to the degeneracy of the genetic code, and
- (c) complements of (a) or (b).

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